

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14508, of North Shore League Limited Partnership, pursuant to Sub-section 8207.2, for a special exception under Paragraph 3105.43 to use part of the basement as a convenience store as an accessory use and adjunct to the Park Tower apartment house in a R-5-C District at premises 2440 - 16th Street, N.W., (Square 2571, Lot 101).

HEARING DATE: November 19, 1986  
DECISION DATE: November 19, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located at the southwest corner of the intersection of 16th Street and Kalorama Road, N.W., and is known as the Park Tower Apartment house at 2440 16th Street, N.W. The site is in an R-5-C District.

2. The applicant propose to operate a convenience store as an adjunct to the apartment house, The store will be used for the sale of convenience commodities including foods, drugs, sundries, and personal services.

3. The apartment house is currently undergoing renovation to be returned to residential use. When completed, the building will contain 114 apartment units.

4. The neighborhood surrounding the subject site is comprised predominantly of residential uses. Directly across 16th Street is the Meridian Hill Park, which is U.S. Government owned. Across Kalorama Road to the northwest of the site is the Dorchester House apartment house. Abutting the site directly to the east is the Diplomat apartment house. Further down Kalorama Road to the south of the site is a C-M-2 District.

5. The proposed convenience store will be located below the main floor level of the Park Tower apartment house.

6. Entrance to the store will be from the ground level corridor. There will be no direct entrance to the store from the exterior of the building.

7. No part of the adjunct will be visible from the sidewalk.

8. No signs or displays will be visible from the outside of the building.

9. The principle entrance to the Park Tower apartment house is more than one-quarter mile walking distance from the nearest principle street frontage of any business district previously established and operated in a commercial or industrial district.

10. The proposed convenience store is designed to serve the residents of the Park Tower apartment house. The nearest established commercial district contains in substantial part industrial uses.

11. The Office of Planning, by report dated November 10, 1986, recommended approval of the application. The Office of Planning reported that the application meets the requirements of Paragraph 3105.43 of the Zoning Regulations for the establishment of apartment house adjuncts. It is anticipated that the bulk of the proposed convenience store customers will be residents of the building. The nearest commercial district in which other such convenience stores are located is more than one-quarter mile away from the main entrance of the Park Tower apartment house. The Board concurs with the reasoning and recommendation of the ANC.

12. Advisory Neighborhood Commission (ANC) 1C, by letter dated November 10, 1986, supported the application. The letter stated that it is the position of the ANC that the application meets the requirements for special exception under Section 3105.43 of the Zoning Regulations. The Board concurs.

13. There was no opposition to the application at the public hearing or of record.

#### CONCLUSIONS OF LAW AND OPINION:

Based on the Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires substantial evidence that the applicant has complied with the requirements of Paragraph 3105.43 and Sub-section 8207.2 of the Zoning Regulations.

Paragraph 3105.43 allows for the sale of the following convenience commodities and services, as accessory uses and appropriate adjuncts to an apartment house which are designed to service the tenants, daily living needs: foods, drugs, sundries, and personal services, provided that:

3105.431 Such uses are limited to the main floor of the building or below;

- 3105.432 There is no direct entrance thereto from the outside of the building;
- 3105.433 No part of such adjunct or the entrance thereto is visible from a sidewalk;
- 3105.434 No signs or displays indicating the existence of such adjunct is visible from the outside of the building;
- 3105.435 The center of the principal entrance of such apartment house is more than one-fourth mile walking distance from the nearest principal business street frontage of any business district previously established and operating in a Commercial or Industrial District;
- 3105.436 Subject to compliance with the provisions of Sub-paragraph 3104.435 hereof such uses may also be permitted within an interior patio or other type of open ground level area, provided access thereto is through the apartment building or buildings intended to be served by such use, and provided further, that no part of such adjunct, the entrance thereto, or any sign or display indicating the existence of such adjunct is visible from a public sidewalk; and
- 3105.437 The adjuncts authorized under this Sub-paragraph are intended to supply tenants of the apartment house, commodities and services supplementary to those in established Commercial Districts; but in order to protect the value and stability of these districts, the Board shall give consideration to:
- 3105.4371 The proximity of such Commercial Districts to the adjuncts proposed;
- 3105.4372 The adequacy and convenience of parking spaces existing in or for such Commercial Districts;
- 3105.4373 The adequacy and scope of commodities and services provided within such Commercial Districts; and
- 3105.4374 The size and character of the apartment house, since the tenants thereof will be expected to furnish all or substantially all of the financial support of the requested adjunct.

The Board concludes that the applicant has met its burden of proof as demonstrated by the above findings of fact.

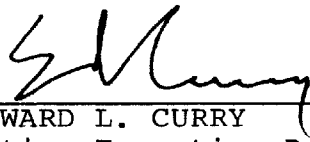
The Board concludes that the proposed convenience store is an appropriate adjunct to the apartment house and will help serve the tenants' daily living needs. The Board further concludes that the granting of the requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with those regulations and maps. The Board also concludes that it has given the ANC the "great weight" to which it is entitled.

It is therefore, ORDERED that the application is GRANTED SUBJECT to the CONDITION that the number of employees of the facility shall not exceed two.

VOTE: 5-0 (John G. Parsons, Paula L. Jewell, Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: JAN 16 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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